

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 21

Filed by: Trial Section Merits Panel
Box Interference
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Filed
18 October 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MASAHARU WATANABE, NORIAKI TOCHIZAWA
YUKARI IMAMURA and HIDEO KIKUCHI,

Junior Party,
(Patent 6,140,007),

v.

NAOHITO OGISO, TETSUYA WATANABE
and TETSUYA YAMADA,

Senior Party
(Application 09/269,564).

Patent Interference 104,719 (McK)

Before: McKELVEY, Senior Administrative Patent Judge, and
SCHAFER and LEE, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the WATANABE REQUEST FOR ADVERSE
JUDGMENT (Paper 18), it is

ORDERED that judgment on priority as to Count 1, the
sole count in the interference, is awarded against junior party

MASAHARU WATANABE, NORIAKI TOCHIZAWA, YUKARI IMAMURA and HIDEO KIKUCHI.

FURTHER ORDERED that junior party MASAHARU WATANABE, NORIAKI TOCHIZAWA, YUKARI IMAMURA and HIDEO KIKUCHI is not entitled to a patent containing claims 1-15 (corresponding to Count 1) of U.S. Patent 6,140,007, granted 31 October 2000, based on application 09/214,154, filed 12 May 1999.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/269,564 and U.S. Patent 6,140,007.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

_____)	
FRED E. McKELVEY, Senior)	
Administrative Patent Judge)	
)	
)	
_____)	
RICHARD E. SCHAFER)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
_____)	
JAMESON LEE)	
Administrative Patent Judge)	

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